

December 2, 2005
ATV Advisory Council Meeting

Meeting brought to order at 10:11am.

Council Members Present: Mark Doty, Carl Campbell, Dan Mitchell, Charles Corliss, Scott Nadeau, Paul Bernier, Jon Olson, Bill Swan, Joe Benzing, Chris Simmons (IF&W Warden Services), David Anderson, Mike Sawyer.

Absent Members: Nancy Sferra, Tom Santaguida

Department of Conservation employees Present: Brian Bronson, Scott Ramsay, Karen Morgan and David Soucy.

Approval of Minutes

The minutes of the October 28, 2005 meeting were approved with the following changes: Education Courses were to be mandatory for 18 & under, with an implementation for Spring 2007. Paul B. Motioned to amend, Mark D. Second the motion, passed by all members present.

New Business

Chris Simmons of the Warden Service took the floor to start the meeting. His discussion primarily focused on how well the new law is working for the Wardens. Complaints from landowners have dropped even in key areas such as Summerhaven, which traditionally had serious ATV problems. Chris feels the law is working very well, and that the threat of having all licenses revoked is a big reason there is compliance. He then discussed the Grant program that is available to the Wardens for ATV enforcement. The major complaint with the program has been that it is not really flexible enough since you have to try and predict what kind of enforcement issues will come up each season and where. It is difficult to change the projects once they are set up. Often details are cancelled due to inclement weather, and since there isn't much flexibility.

Discussion followed on why other law enforcement agencies don't seem to want to deal with ATV issues was also brought up. It was pointed out that other law enforcement will stop and ticket ATV violations if they see it, however the Warden Service is the only state agency at this time who will actively seek violators since they are receiving grant money.

Mike Sawyer passed a handout to the members of the council to review the projected cost for safety courses if safety training is required for everyone 18 years of age and under. The training course offered by IF&W is a standard 6 hour ATV training classroom program. It is a bit different than the "hands on" training one would receive when purchasing a new ATV, however the same criteria is required in the hands on dealer courses. David Anderson said he believed they would get some of the additional student numbers generated by the new law in ASI sponsored dealer training. David stated he has seen a decrease in the number of people registering for the dealer course due to the new law because sales are down, however Mike Sawyer has seen an increase in registrants for

the IF&W course. After reviewing Mikes handout and seeing the increases, it is suggested that IF&W have an account for the safety training that is “dedicated” so that the budgeted money will not be lost to the General Fund from year to year. This will be a recommendation in the Advisory Councils report.

Discussion of the proposed changes to the law concerning landowner permissions was again brought to the table. It is pointed out that the written permissions only says crop lands and nothing concerning the protection of new seedlings or new regrowth/regeneration. Dave Soucy pointed out that if there are slight changes to the wording of the law it will open up the possibility to change the law completely or even repeal the landowner permission law all together. Further discussion followed and the council decided to vote to reverse the previous recommendation and to recommend no changes to the wording of the law. Chris from the Warden Service stated he believed the law is working as written and those in law enforcement who are not clear on the law could be educated to better interpret the law. As he sees it, the Warden Service seems to understand the way the law is written. Suggestions to help law enforcement as well as the public understand the landowner permission laws would be to better summarize the law in the law book, as well as provide a Q&A of the law so that it is more easily understood.

The next discussion involves the changing of the language from “shall” to “may” with regards to the revoking of all licenses for a revocation. The council does not feel this should be mandatory since that wasn’t the original intent of the ATV task force. Mark Doti feels the law is working the way it is, however the vote on the motion passed unanimously.

Phase I task force recommendations are the next item discussed.

The first item is that the law has been passed for decibel levels of ATV’s, Law enforcement however needs to implement and get the decibel meters in order to enforce the law. There is a possibility that agencies could look into using a Heritage Grant to buy these meters. Cost of the meters is around \$300.

Other items that have not been followed through on Phase I include: (per Brian Bronson)
#9- Study to make sure that recreational access doesn’t compromise landowners rights has not been done, however the AG’s office said we were fine.

#11- Visible identification on both front and rear of ATV’s has been done, but there was discussion on the size of the stickers since they are getting ready to order them again. Everyone agreed to leave them the same size.

#21- The possibility of landowner incentives is still being discussed but there is no agreement even between landowners and the lack of money is still a big stumbling block.

#25- The Trail construction handbook is still being developed, however with the possibility of pending DEP changes, this project is on hold in draft form.

#27- Use of ATVs on trails funded with Federal money. This is still in progress, however this may never happen.

#28- Trail map is currently in development, goal is to have a new map available in March 2006, with 50,000 printed & distributed.

#30- Bud Newell of BP&L is currently working to reproduce a brochure to explain landowners liability and may be able to address landowners' rights.

#35- Mike S. stated this one is still in progress, trying to get more safety training in the school system, some schools are open to this, others are not.

Phase II Recommendations are then discussed. Concerns for the possible discount for ATV club members are discussed. There is Pro's and Con's to this proposal; Brian Bronson and Dan Mitchell agree to meet before the next meeting so that some figures can be presented to the council at the next meeting so they can reach an educated conclusion.

Phase II Recommendations Not completed:

#7- Has been partially completed, URSUS did donate some time for the new PSA DOC produced concerning ATV use in Maine.

#8- A new ATV Safety Video/PSA has not been done due to lack of funds.

It is noted that the previous recommendation should be used to make the justification for IF&W to have a dedicated account, this would help pay for more safety education. It is also recommended to push some safety training and PSA back on to the manufactures of ATV's since they could have an influencing impact.

The next meeting is set for Thursday December 15, 2005 in Bangor, at 10am in the Fish & Wildlife Building which is in the same complex as the DOC building we went to last time.

Meeting adjourned at 2:45pm

Voting Results Summary:

1. Amended Minutes from October 28, 2005
2. Charlie C. Motions to recommend IF&W has a dedicated fund for ATV safety. Paul B. Seconds, Motion carried Unanimously
3. Jon B. Motions to reconsider 10/28/05 recommendations for rewording the law concerning landowner permissions, and to make NO changes to this law. David A. Seconds the motion. Motion Carried: Unanimously
4. Dave A. Motion to accept recommended changes to law from "shall" to "may" concerning the revoking of all licenses. Jon O seconds motion. Motion Carried: Unanimously